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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for the joy You give us when we follow Your guidance. Lord, You have provided us with Your Holy Word as a light to illuminate life's journey, and Your precepts inspire us with confidence and delight.

As our lawmakers daily receive Your wisdom from devotional time with You, permit Your peace that exceeds anything we can understand to guard their hearts, even during turbulent seasons. Lord, use our Senators for Your glory, empowering them to stay productive throughout the days of their lives.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to legislative session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Andrea Joan Palm, of Wisconsin, to be Deputy Secretary of Health and Human Services.

The ACTING PRESIDENT pro tempore. The Republican whip.

BIDEN ADMINISTRATION

Mr. THUNE. Mr. President, "infrastructure," "court packing," "crisis," "Jim Crow," "bipartisan"—all words that we recognize, all words with fixed, long-established meanings, and all words whose meanings are currently being twisted unrecognizably.

In the brave new world of the Biden administration, the Democratic Congress, the plain meaning of language is no longer so plain.

Take the term "infrastructure." Ask anybody what they think of when they think of infrastructure, and I can guarantee what they will tell you: roads, bridges, waterways, maybe airports. I can also tell you what they won't think of: Medicaid expansion, support for Big Labor, free community college.

Why? Because none of those things has ever been part of the definition of "infrastructure," until now. Now Democrats are claiming that infrastructure is pretty much whatever they want it to be.

One Democratic Senator tweeted:

Paid leave is infrastructure. Childcare is infrastructure. Caregiving is infrastructure.

Well, actually, no, they are not. Those are policy proposals—proposals that could be discussed, but they are not infrastructure. Saying something is infrastructure doesn't make it so.

And, unfortunately, Democrats' redefinition of infrastructure, as Orwellian as it is, is actually less alarming than some of Democrats' other attempts at linguistic redefinition.

Take court packing. Everyone who has ever sat through an American history class knows exactly what court packing refers to—expanding the number of Justices on the Supreme Court so that you can get the Supreme Court decisions that you want.

President Franklin Delano Roosevelt proposed it in the 1930s, and it was defeated by a bipartisan majority of Senators. And most thought the idea had been consigned to the ash heap of history, until Democrats resurrected it during the Trump administration.

Upset by the Court's current makeup and worried that the Court might not rubberstamp Democratic policies, a growing number of Democrats are getting behind the idea of court packing.

But, of course, they are eager to escape the negative connotations of the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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term. After all, President Roosevelt's Court-packing attempt is not exactly regarded as a shining moment of his Presidency. And so in a move worthy of Orwell's "Nineteen Eighty-Four," Democrats are asking us to accept the fantastical notion that Republicans packed the Court—indeed, packed the entire judiciary—and that Democrats are merely seeking to restore balance.

Yes, in the Democrats' brave new world, the President performing his constitutional duty to nominate judges and Justices, and a Senate duly confirming them, is now defined as a nakedly partisan power grab akin to President Roosevelt's attempt to secure a favorable outcome for his policies from the Supreme Court.

I should say a Republican President fulfilling his constitutional duty and a Republican Senate confirming his nominees because we all know—we all know that if it were President Biden who had filled multiple seats on the Supreme Court and succeeded in having a lot of judges confirmed, his actions would not be regarded as Court packing; they would be regarded correctly as business as usual. That is what we do around here. They would be regarded correctly as a President doing his job and performing his constitutional duty.

Then there is Jim Crow. Americans know what "Jim Crow" means. It refers to the reprehensible period of segregation, when Black Americans were forced to live as second-class citizens and denied the equal protection of the laws.

"Jim Crow" is one of the great stains on our country's history, and it is a term that should not be used lightly, but that is exactly what Democrats are doing.

They decided that it suits their purposes to call to mind the history of this word, and so they have applied the term to an ordinary, mainstream election reform bill in Georgia.

In fact, the President went so far as to call the Georgia law "Jim Crow on steroids," as if it would not only bring us back to the era of segregation but return us to something even worse.

And all this for an election law that is squarely in the mainstream when it comes to State election laws and in some ways is more permissive than election laws in presumably utopian Democratic-led States like New York.

I could go on.

There are Democrats' attempts to redefine "bipartisan" from something that is supported by both parties in Congress to something that is maybe—maybe—supported by some Republican voters in some poll, no matter how dubious its reliability.

Or there is the White House's contorted refusal to call the situation at our southern border a crisis, as if by refusing to use the word they could somehow change the reality of the situation.

But let me ask a question. Why is the plain meaning of language under as-

sault by the Democratic Party? Why are Democrats dramatically redefining ordinary words and concepts?

Well, maybe it is because reality isn't so pretty. Take court packing. The truth is that Democrats are afraid that the current Supreme Court is not going to rule the way Democrats want in cases they care about. So they want to expand the Supreme Court and let President Biden nominate new Justices so they can guarantee the outcomes that they want.

But saying that doesn't sound so great. In fact, it sounds more autocratic than democratic. So Democrats are attempting to disguise the real reason behind their partisan court-packing plan by applying the word "Court packing" not to their own attempts to pack the Court but to the ordinary work of the President and the Congress.

Or take infrastructure. Pretty much everybody supports infrastructure. You would be hard-pressed to find anyone who doesn't thinking the government should maintain our roads and bridges.

It would be a lot easier, on the other hand, to find people who think that maybe government shouldn't be in the business of substantially increasing spending or expanding into new areas of Americans' lives.

So Democrats have chosen to disguise their plans for massive government spending and government expansion under the heading of "infrastructure." After all, everybody supports infrastructure.

So if they can sell their plans for government expansion as infrastructure, then they might be able to implement a lot of proposals that otherwise might not make it through Congress.

Or take Jim Crow. With H.R. 1 and S. 1, Democrats are pushing to pass an election law that would federalize elections, inject a massive dose of partisanship into our election system, and give Democrats what they hope will be a permanent advantage in elections going forward, but obviously they can't say that. They can't suggest that we pass H.R. 1 to improve Democrats' electoral chances so they have had to find another reason to push Americans to pass this bill.

And so they have manufactured a crisis—States are passing dangerous election laws that harken back to Jim Crow, and we need the Democrats' election bill to save the day.

Sometimes I wonder when the President is bashing the Georgia election law if he remembers that the legislature that passed that law was elected by the same voters who gave him the victory in Georgia and sent two Democrats to the U.S. Senate. Does he really want to call those voters racist?

Ultimately, Democrats' assault on language is about power. Change the language, and you can change the outcome and secure your political control.

It is no coincidence that oppressive regimes have cracked down on speech and redefined it to suit their purposes

or that they manufacture crises to keep the people in need of government.

The problem for Democrats is that there is no mandate for Democrats' far-left agenda. Democrats' radical socialist candidates couldn't even make it through the Democratic primary, let alone the general election. President Biden won the Democrat primary and the election in large part because he campaigned, perhaps disingenuously, as a moderate. And as for Congress, Democrats lost seats in the House and have a paper-thin majority in both Chambers. If there was any mandate to be gathered from November, it was a mandate for moderation.

But Democrats aren't interested in moderation. They are increasingly enthralled with the far-left wing of their party, and they have a radical agenda to push and possibly a very limited window to push it. And since there is no mandate for that agenda, they have to create one.

That is why you see Democrats redefining the very plain meaning of common words. Say that you don't like the makeup of the Supreme Court, and most Americans would say: Tough, that is the way the ball bounces sometimes in our democracy.

Claim that Republicans engaged in court packing, on the other hand, and all of a sudden Democrats' radically partisan Supreme Court power grab seems a lot more acceptable.

I get Democrats' passion for their politics. I feel pretty strongly about my political principles. But their manipulation of language to advance their politics is deeply disturbing. Instead of trying to pursue a radical agenda cloaked in misleading language, I suggest Democrats turn their efforts to bipartisan cooperation. As the November election made clear, that is what the American people are looking for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

INFRASTRUCTURE

Mr. DURBIN. Mr. President, I listened carefully to the statement by my friend from South Dakota about radical socialism—radical socialism. I think what he is categorizing as radical socialism is the suggestion by the President of the United States, Joe Biden, that we should really care about providing safe, affordable, quality daycare for women who want to go to work. Radical socialism?

I am concerned about some trends that we are noting. The census reports that the birth rate in America is going down. Fewer children are being born in this country. I ask a basic question: What does that say about our country and about our future?

What it tells me is that raising a family for many is a struggle. They have to work to bring money home, and they want to have the peace of mind when they go to work that their kids are safe. That is not a radical suggestion, and the solution isn't socialism.